IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 12305 of 2004

Between:

D.Saida S/o D.RamaE. 175753 Conductor,
Nandipaha Village, Mandal Miryalguda, Nalgonda District

..... PETITIONER

AND

1 The APSRTC, rep by its Vice Chairman and Managing Director, Musheerabad, Hyderabad
2 The Regional Manager, AP.SRTC Hyderabad City Region, Secunderabad
3 The Depot Manager, APSRTC Ranigunj-II depot, Secunderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus calling for the records relating to the proce.No.01/781 (2) /2004-RNG-II, dt. 5/05/2004 issued by the 3rd respondent and declare the same as illegal, arbitrary and contrary to the rules and further direct the respondents to treat the entire period from 5/05/2004 till the date of reinstatement as continuity of service with full back wages and further direct the respondents to treat the initial appointment in December, 1999 as regular service.

Counsel for the Petitioner:MR.P.RAGHAVENDRA REDDY

Counsel for the Respondents: MR.K.HARINATH (SC FOR APSRTC)

The Court at the stage of admission made the following ORDER:

The petitioner was selected as Conductor on daily wage basis by a duly constituted Selection Committee. The respondents Corporation by the impugned proceedings No.01/781(2)/2004-RNG-II, dated 05-05-2004 deleted the name of the petitioner from the approved/selected list with immediate effect as his work was unsatisfactory in terms of the appointment order.

Learned counsel appearing for the petitioner contended that the respondents' Corporation did not conduct any enquiry before issuing the impugned proceedings and therefore, it is clearly in violation of principles of natural justice.

On the other hand, learned Standing Counsel appearing for the respondents contended that since the petitioner is a daily wage employee, there is no need to conduct any enquiry and therefore, the writ petition is liable to be dismissed.

The reason for issuing a show cause notice to the petitioner by the respondents' Corporation was that he participated in illegal strike on 15-04-2004 and his work was unsatisfactory in terms of the appointment order. Admittedly, no enquiry was conducted in this case. Though the petitioner is a daily wage employee, the principles of natural justice require that an enquiry should have to be conducted before issuing the impugned proceedings. As the impugned proceedings suffer from serious legal infirmities, it has to be set aside.

In the result, the impugned proceedings dated 05-05-2004 are set aside and the writ

petition is disposed of. However, this order will not preclude the respondents from taking any disciplinary action against the petitioner as per rules and regulations of the Corporation. In the circumstances, no costs.

16th JULY, 2004.

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To

1 The Vice-Chairman and Managing Director, APSRTC,

Musheerabad, Hyderabad

2 The Regional Manager, APSRTC, Hyderabad City Region, Secunderabad

3 The Depot Manager, APSRTC Ranigunj-II depot,
Secunderabad

4 Two CD copies.